

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested. Applicant has rewritten claims 19, 22, 23, 25, 39, 44, canceled claim 47 and added new claim 48. Favorable reconsideration of this application is, consequently, earnestly solicited in view of the following remarks. Applicant gratefully appreciates the examiner's indication that claims 19-38 are allowed and claim 40 contains allowable subject matter.

Claim 39 was objected to for having an informality, which has been corrected. Thus, removal of this objection is requested.

Claims 39 and 42-47 were rejected under sec. 103 as being unpatentable over Matsui '360. Applicant has amended claim 39 to include the novel temperature operating range of "about 10 degrees centigrade to about 30 degrees centigrade" formerly claimed in former dependent claim 47. There is no description, teaching nor suggestions for this novel operating temperature range. Thus, removal of this rejection is respectfully requested.


New independent claim 48 is a combination of former independent claim 39 and the allowable subject matter of dependent claim 40.

There is no teaching, nor suggestion for modifying the Matsui reference to include all the novel features of the amended claims. Under well recognized rules of the MPEP (for example, section 706.02(j)), the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438(Fed. Cir. 1991).

Applicant contends the references cannot be modified to incorporate the features of subject claims 19-46 and 48 without utilizing Applicant's disclosure. The courts have consistently held that obviousness cannot be established by combining the teachings of the prior art to Applicant to produce the claimed invention, absent some teaching, suggestion, incentive or motivation supporting the combination.

In view of the foregoing considerations, it is respectfully urged that claims 19-46 and 48 be allowed. Such action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;



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